



Summary Justice Reform

Delivering a Unified Courts Administration Sheriffdom of South Strathclyde Dumfries and Galloway

Summary of Responses to the
Written Consultation

TABLE OF CONTENTS

1.	Introduction	3
2.	Background	3
3.	Responses	3
4.1	Comments Local Justice and Knowledge and Increase in travel Distance and Cost	4
4.2	Comments on Business profiles	4
4.3	Comments on Level of Accommodation and Security	5
5.	General Responses to Proposals	5
6.	SCS Responses and Recommendations	5
	Appendix A – List of Consultees	9
	Appendix B – List of Respondents	14
	Appendix C – SCS Responses to Comments	15

1. INTRODUCTION

On 28 November 2008, Scottish Court Service (SCS) issued a consultation paper outlining proposals for the unification of the administration of the District Courts within the Sheriffdom of South Strathclyde Dumfries and Galloway. The consultation paper was issued to over 200 individuals and organisations and placed on the SCS website. The full distribution list is listed at **Appendix A**.

The closing date for responses was the 2 March 2009 and this report considers and comments on the responses received.

2. BACKGROUND

2.1 Summary Justice Reform Programme

The Criminal Proceedings etc. (Reform) Act 2007 contains the legislative provisions that will be used to replace District Courts with Justice of the Peace Courts and unify the administration of these courts under the control of SCS. The provisions in the Act (unanimously passed by the Scottish Parliament) relating to unification, were based on proposals contained in the “Smarter Justice, Safer Communities - Summary Justice Reform: *Next Steps*” paper published by the then Scottish Executive in March 2005. The administration is being unified on a Sheriffdom by Sheriffdom basis. Four of the six Sheriffdoms in Scotland have already unified. It is expected that South Strathclyde Dumfries and Galloway will unify on 29 June 2009 followed by North Strathclyde on 23 November 2009.

3. RESPONSES

3.1 Summary of Responses

Thirteen responses were received. Seven of the responses intimated an opposition to the proposals, four of the responses intimated agreement with the proposals, one response merely noted the proposals and one response noted accommodation issues.

A list of respondents is set out at **Appendix B**

The views consisted of the following:

- **One Sheriff** noted accommodation issues in Ayr Sheriff Court;
- **One Justice of the Peace** opposed the proposal to disestablish East Kilbride District Court;
- **One Justice of the Peace** was supportive of SCS proposal to disestablish Annan District Court, whilst suggesting that the Dumfries Court programme should be adjusted to incorporate the Annan District Court business;
- **Two Local Authorities** – South Ayrshire and North Lanarkshire were supportive of the proposals in relation to the District Courts in their area;
- **Three Local Authorities** – South Lanarkshire, Dumfries and Galloway and East Ayrshire opposed the proposals in relation to the District Courts in their area;

- **ACPOS** supported the proposals;
- **East Ayrshire Justices** opposed the proposal to disestablish Cumnock District Court;
- **Dumfries and Galloway Council’s Annandale and Eskdale Area Committee** opposed the proposal to disestablish Annan District Court;
- **Dumfries and Galloway Constabulary** acknowledged the proposals and noted that they would have a minimum impact on the day to day business between the police and the courts;
- **One firm of Annan solicitors** opposed the proposal to disestablish Annan District Court.

SCS officials also met with the **Justices of the Peace from Dumfries and Galloway and East Ayrshire** at their request. The Justices wished to explain their opposition in relation to the proposals set out in the consultation paper. Those views are also reflected in this report.

A detailed commentary on the responses received, along with SCS’s response to the specific objections to the proposals in the consultation document, is set out at **Appendix C**.

The responses raised four main issues. These and other more general responses are set out in the paragraphs below.

4.1 LOSS OF LOCAL JUSTICE AND KNOWLEDGE, AND INCREASE IN TRAVEL DISTANCE AND COST

The issues under this heading were commented on by South Lanarkshire Council, East Ayrshire Council and East Ayrshire Justices. All three respondents felt that the proposals would result in a loss of local knowledge, links with the local community and access to local service facilities. The East Ayrshire Justices expressed deeply felt views as to the impact the proposals would have on what they described as the fabric of the community. They viewed the proposals as cutting a tie with the local community. The East Ayrshire Justices also voiced strongly the importance that local knowledge had in the justice process and that the proposals would dilute this.

The issue of potential inconvenience to court users was raised in respect Cumnock and Annan by the East Ayrshire Council, East Ayrshire Justices, Dumfries and Galloway Council and a firm of solicitors from Annan. The respondents pointed to increased travel time and expense incurred by those in more outlying areas. The East Ayrshire Justices underlined the impact this would have on those with low incomes and without access to a car.

4.2. COMMENTS ON BUSINESS PROFILES

The responses under this heading were from differing perspectives. The responses from the East Ayrshire Justices, in respect of Cumnock District Court, related to what they regarded as under utilisation of the court. It should be explained at this stage that the allocation of business to particular courts is a matter for the Crown. Procurators Fiscal decide whether a summary case should be prosecuted and whether the case should be raised in the District Court or Sheriff Court.

The issue of business profiles was raised in respect of East Kilbride District Court. It was submitted that the size of population was such as to justify the retention of a court in that area.

In respect of Annan District Court, it was submitted that the business of Annan was increasing, resulting in pressure on court capacity and adjournment of cases.

4.3 COMMENTS ON LEVEL OF ACCOMMODATION AND SECURITY

It was suggested by East Ayrshire Justices (in respect of Cumnock) and by a local firm of solicitors (in respect of Annan) that cells in the near by police stations could be used for court custodies.

Generally the East Ayrshire Justices and East Ayrshire Council expressed a view that the accommodation constraints at Ayr District Court were greater than at Cumnock. They felt that the proposals understated the extent of work need to bring the Ayr District Court building up to an acceptable standard and queried whether there was funding available to carry the work out.

5. GENERAL RESPONSES TO PROPOSALS

Mr Roy Kirkpatrick, MBE, Justice of the Peace responded to say: *“I fully support the closing of the Annan Court and the moving of the Dumfries Court to the updated court within the Sheriff Court House.”* Mr Kirkpatrick’s only concern was the increasing court business and suggested the new Justice of the Peace Court should sit two days per week.

ACPOS responded to say *“members recognise that there will be immediate benefits to the police, particularly in those areas where the police have to provide a service to outlying District Courts and the proposed closure of some courts within the Sheriffdom will be a distinct benefit”*. ACPOS feel their previous experience with unification has been positive.

Dumfries and Galloway Constabulary noted the proposals and that the proposal to disestablish Annan District Court would have a negligible impact on the police.

South Ayrshire Council were supportive of the proposals.

6. SCS RESPONSES AND RECOMMENDATIONS

6.1 SCS Responses

The SCS detailed response to comments received in relation to the consultation paper on delivering a unified courts administration in the Sheriffdom of South Strathclyde Dumfries and Galloway are set out at **Appendix C**.

SCS has carefully considered each comment and retains the view that the proposals originally set out in the consultation report, and as detailed in table 1 below, should be implemented.

Table 1
Court Locations following Court Unification

Sheriff Court District	Present District Court Location	Post Unification JP Court Location
Airdrie	Coatbridge	Coatbridge at present location until accommodation at Airdrie Sheriff Court is expanded.
	Cumbernauld	Cumbernauld (in present location)
Hamilton	Hamilton	Hamilton (in present location)
	East Kilbride	Hamilton JP Court
	Motherwell	Motherwell (in present location)
Lanark	Lanark	Lanark Sheriff Court
Ayr	Ayr	Ayr (in present location)
	Girvan	Ayr JP Court
	Cumnock	Ayr JP Court
Dumfries	Dumfries	Dumfries Sheriff Court
	Annan	Dumfries Sheriff Court
Stranraer	Stranraer	Stranraer Sheriff Court
Kirkcudbright	Kirkcudbright	Kirkcudbright Sheriff Court

6.2 SCS Recommendations

SCS therefore recommends to the Cabinet Secretary for Justice that:

- Justice of the Peace Courts are established in Coatbridge, Cumbernauld, Motherwell, Hamilton and Ayr. The Justice of the Peace Courts will operate from their current location where there is sufficient accommodation available to accommodate business.
- Coatbridge Justice of the Peace Court will operate from its current location until it can be transferred into Airdrie Sheriff Court at a future date. The administrative staff will, however, relocate to the Sheriff Court building upon unification.
- A Justice of the Peace Court is established in Lanark with the court re-locating to the Sheriff Court building, Lanark.
- Justice of the Peace Courts are established in Dumfries, Stranraer and Kirkcudbright which will continue to operate from their respective Sheriff Court buildings.
- A Justice of the Peace Court is not established in East Kilbride and the District Court of East Kilbride will close and the business transferred to Hamilton Justice of the Peace Court.
- Justice of the Peace Courts are not established in Girvan and Cumnock, the District Courts of Girvan and Cumnock will close and the business is transferred to Ayr Justice of the Peace Court.
- A Justice of the Peace Court is not established in Annan, the District Court, Annan will close and the business transferred to Dumfries Justice of the Peace Court.
- With the approval of the Sheriff Principal, and in consultation with criminal justice partners and stakeholders, court programmes for all summary criminal court will be reviewed to identify scope for efficiencies in the light of changes in business volumes and the implementation of summary justice reforms, to make optimum use of available judicial time.
- A team of legal advisers, led by the Sheriffdom Legal Adviser will provide legal support to the Justice of the Peace Courts within the Sheriffdom of South Strathclyde Dumfries and Galloway.

6.3 Summary of SCS Position on Issues Raised

SCS offers the following comments to clarify key issues raised during consultation. SCS will engage further with stakeholders and respondents to discuss the issues raised and further explain the rationale behind the proposals. A range of factors informed the proposals, including business levels, value for money, standards of existing facilities, the mix of more serious business to be dealt with and local access to justice and the proximity of other courts.

6.4. Loss of Local Justice and Knowledge

SCS places proper value on the expertise and contribution made by local Justices of the Peace. In our view, having regard to the proximity of courts such as Hamilton and East Kilbride, Cumnock and Ayr, local access to justice is not significantly compromised and can be adequately addressed by training and the sharing of knowledge and experience between Justices of the Peace.

6.5 Travel Distance and Cost

There will be some inconvenience to individuals but this must be set against the costs of providing suitable local facilities. Our researches have indicated that there is a reasonable level of access to public transport in all cases, although this is more problematic in the villages to the east of Cumnock, particularly Muirkirk, which would involve a lengthy journey by public transport.

6.6 Business Profiles

SCS acknowledges that the redistribution of work between the Sheriff Court and Justice of the Peace Court may lead to a higher level of cases being dealt with in the Justice of the Peace Court. It is our position that the proposals represent the best model in accommodating this.

6.7 Accommodation and Security

Cost is a factor and SCS, like all organisations, has to be informed by the financial impact of investment decisions. However, other key drivers included in determining best value are levels of business and quality of facilities.

SCS believe that the costs of investing in existing facilities in East Kilbride, Cumnock, Girvan and Annan (including enhanced security) to lift them to the standards expected for a reasonable courthouse cannot be reasonably justified given that the facilities are in use for a limited period each month.

SCS recognise the need to upgrade the facilities, particularly Hamilton and Ayr. Options are being appraised and this will be taken forward after unification.

Appendix A – List of Consultees

ACPOS

Ewen MacLellan
Chief Constable Stephen House
Chief Constable Patrick Shearer

Citizens Advice Scotland

Citizens Advice HQ

COPFS

N McFadyen
Mrs J Cameron
Mrs G Watt
Mr T Dysart
Anne Donaldson
Jennifer Harrower
Mirian Watson
Sineidin Corrins
Kenneth G Grieve

COSLA

John Terry

Justices of the Peace

Mr John Bicket
Mrs Sheila Bishop
Mr David Blackett
Mrs Marion Brewis
Mrs Isobel Campbell
Mr Ronald Clarke
Mr Barry Cunningham
Mrs Mary Donnan
Mr Marshal Douglas
Mrs Johan Findlay
Mrs Charlotte Iglehart
Mr Roy Kirkpatrick
Mrs Mary Mallinson
Mr Kenneth McCall
Mr George Park
Mr Michael Phillips
Mr Peter Ross
Mr Alan Stannett
Mr George Thomson
Mr Harold Tweedie
Mrs Hazel Watt
Mr George Willacy
Mrs Janet Wishart
Mr W.Hugh Wright
Mr James Young
Mr Gerald Alexander

Mrs Elizabeth Bohan
Mrs Evelyn Bowman
Mr David Chalmers
Mr James Currie
Mr Andrew Grant
Mr David Lyell
Mr James Murdoch
Mr Paul Todd
Mrs Janet Torrance
Mr William Allan
Mr William Andrew
Mrs Anne Brodie
Mrs Jean Clarke
Mrs Patricia Coli
Mrs Elizabeth Dickson
Mr Alexander Duncan
Mrs Dianne Gardner
Mr William Grant
Mr David Kiltie
Mr George McGeehan
Mr John McIlwriath
Mrs Jean McNally
Mrs Margaret Mowatt
Mr Graeme Rennie
Mrs Mary Russell
Mr William Scott
Mr Graham Spence
Mr Archibald Thomson
Mrs Irene Tyson
Mr John Warwick
Mrs Jennifer Washington
Mr James Armstrong
Mr John Barr
Mr Alexander Bell
Mr John Cooper
Mrs Catherine Craig
Mr David Craig
Mrs Audrey Cuthbertson
Mrs Barbara Diamond
Mrs Maria Donovan
Mr James Fleming
Ms Alison Hamilton
Mr James Johnstone
Mr Robert Johnstone
Mrs Jean Leonard
Mr Gordon Lind MBE
Mrs Marilyn MacFarlane
Mr John Martin MBE
Mrs Mary Martin

Appendix A – List of Consultees

Mr John McColl
Mr John McGinnes
Mr Leonard McGuire
Mrs Lyndsay McIntosh
Mr William Morrison
Mr Ian Munro
Mr Graham Russell
Mrs Anne Walker
Mr Ian Watson
Mr Ronald Wilson

Mr Jonas Young
Mr Liaquat Ali
Mr Alister Baird
Mrs Irene Baird
Mrs Anne Berney
Mrs Ruth Bryden
Mr Graeme Crawford
Mr Malcolm MacAskill
Mrs Jane McClean
Mrs Margaret McCool
Mr John Moore
Mr John Morrison
Mr John Robertson
Mr James Smith
Mrs Mary Steele
Mr John Thomson

Judicial Studies Committee

Sheriff T Welsh

Judicial Appointments Board

Sir Neil McIntosh

Law Society/Law Agents Society

The Law Society of Scotland,
Scottish Law Agents Society

Legal Assessors/DC Staff

Coatbridge/Cumbernauld/Motherwell District Courts

Mitch Kerr
Phyllis Hands
Ronnie Bain
Valeria Doran

Hamilton/East Kilbride/Lanark District Courts

Geraldine McCann
John Donnelly
Ann Hilland
Angus Livingston

Ayr/Girvan District Courts

Alan Rosamond

Cumnock District Court

Stuart McCall

Dumfries/Annan/Kirkcudbright/Stranraer District Courts

Alex Haswell
Willie Taylor
Fiona Ross

Local Authorities

North Lanarkshire Council
South Lanarkshire Council
South Ayrshire
East Ayrshire
Dumfries and Galloway

Appendix A – List of Consultees

Bar/Faculty

Richard Henderson President
The Law Society of Scotland,

Michael Sheridan, Secretary
Scottish Law Agents Society

Society Of Solicitors, Airdrie
Ayr Faculty of Solicitors
Faculty of Procurators of Dumfriesshire
The Society of Solicitors of Hamilton
Faculty of Solicitors at Lanark
Faculty of Procurators for Stewartry of
Kirkcudbrigh
Wigtown District Faculty of Solicitors

Local CJB

Lanarkshire

Sheriff Principal Brian A Lockhart
Janet Cameron Area Procurator Fiscal
Anne McGuire, Divisional Commander
North Lanarkshire Division, Strathclyde
Police
Tim Love, Divisional Commander South
Lanarkshire Division Strathclyde Police
Sheila Hinds, Sheriffdom Business
Manager, Scottish Court Service

Ayrshire

Sheriff Principal Brian A Lockhart (Joint
chair)
Sheriff Principal Bruce Kerr (Joint chair)
Mirian Watson, Acting Area Procurator
Fiscal
Hamish Cormack, Divisional
Commander, Kilmarnock, Strathclyde
Police
Sheila Hinds Sheriffdom Business
Manager Scottish Court Service
Lisa Davis Sheriffdom Business
Manager, Scottish Courts Service

Dumfries and Galloway

Sheriff Principal Brian A Lockhart
Tom Dysart, Area Procurator Fiscal
Patrick Shearer, Chief Constable,
Dumfries and Galloway Constabulary
Allan Monteforte, Services Manager
Criminal Justice Social Services
Sheila Hinds Sheriffdom Business
Manager, Scottish Court Service

Local Court Working Group

Airdrie

Jim Hamilton
James Fleming
Tina Gorman
Phyllis Hands
Charles Norton
Sheriff J C Morris
Mrs M Tisley
Mr Eric Wallace,
Mr Gordon Crawford
Chief Inspector J Young

Hamilton

Fiona Petrie
Sheriff M Smart
James Fleming
Malcolm Macaskill
Angela Gray
Tina Gorman, Senior Social Worker,
SLC
Phyllis Hands
John Donnelly
Stephen McBride
Mrs M Tisley
Scott Cree
George Graham
Inspector Campbell Durnian

Appendix A – List of Consultees

Lanark

John Foy
Sheriff N Stewart
Mrs M Tisley
Anne Donaldson
John Brady
Tina Gorman
Chief Inspector Colin Murphy

Ayr

Olwyn McShane
Sheriff J Montgomery
Mirian Watson
Jim Kelman
Graeme Rennie
Ian Lyell
Susan Coyle
Allan Grant
Stuart McCall
Peter Lockhart
Valerie Andrews
Alan Rosamond
Chief Inspector Allan Lawrence

Dumfries

Elizabeth Young
Sheriff K Ross
Sineidin Corrins
Inspector Chris Hope
Lee Black
Johan Findlay
Willie Taylor
Colin Stitt

Stranraer

Bruce Lindsay
Kenneth Grieve
Sheriff Robb
Inspector Steven Dampney
Alex McCallum
Elizabeth Berry
Mary Irving
Peter Ross
Margot Nicol

Media

Russell Fallis
Media & Communications Press Office

MSPs

Derek Brownlee
Aileen Campbell
Cathie Craigie
Linda Fabiani
Alex Fergusson
Christine Grahame
Jamie Hepburn
Jim Hume
Adam Ingram
Cathy Jamieson
Andy Kerr
Tom McCabe
Jack McConnell
Christina McKelvie
Michael McMahon
Margaret Mitchell
Alisdair Morgan
Elaine Murray
Alex Neil
Hugh O'Donnell
Michael Russell
John Scott
Elaine Smith
Karen Whitefield
John Wilson

National CJB

Mr Craig Flunkert
Rachel Weir

Strathclyde Police

Ewen McLellan

Reliance

David Rutherford

Appendix A – List of Consultees

Sheriffs

Airdrie

Sheriff R H Dickson
Sheriff M M Galbraith
Sheriff J C Morris QC
Sheriff A D Vannet

Ayr

Sheriff J McGowan
Sheriff C B Miller
Sheriff K Montgomery
Sheriff C Cunninghame

Dumfries

Sheriff K A Ross

Hamilton

Sheriff A M Bickett
Sheriff D A Brown
Sheriff F L Pieri
Sheriff J Powrie
Sheriff D Scullion
Sheriff H K Small
Sheriff M T Smart
Sheriff V J Smith
Sheriff J H Stewart
Sheriff J Miller
Sheriff S A Waldron
Sheriff J Johnston QC

Lanark

Sheriff N C Stewart

Stranraer

Sheriff K R Robb

Sheriff Clerk and Staff

Jim Hamilton
Fiona Petrie
John Foy
Olwyn McShane
Elizabeth Young
Bruce Lindsay
David Hood

Sheriffs Principal

Sheriff Principal Dunlop
Sheriff Principal Bowen
Sheriff Principal Kerr
Sheriff Principal Lockhart
Sheriff Principal Taylor
Sheriff Principal Young

SJA

No Consultation

SLAB

Chief Executive

SPS

Mike Ewart,
Chief Executive, SPS

Union

Eddie Burrows, PCS
Ann Russell, UNISON
Alex McLuckie, GMB
Matt Smith, UNISON,

Victims and Witnesses

Victim Support Headquarters

Appendix B - List of Respondents

In total, thirteen responses were received -

- Five Local Authorities;
- Two Justice Of the Peace
- One ACPOS
- East Ayrshire Justices
- One Sheriff
- One Annandale and Eskdale Area Committee
- One firm of Solicitors
- One Police force

Respondents were offered a number of options regarding their wishes for making their name, address and response public. Individual respondents could opt to have:

- Response, name and address made available
- Response only made available
- Response and name available but not their address.

Organisations or groups were advised that their name and address would be made available but were given the options to have:

- Their response made available
- Their response to be treated in confidence.

All respondents were asked permission for the Scottish Court Service to contact them again in the future in relation to their consultation responses.

Appendix C – SCS Response to Comments

Comment	SCS Response
Loss of Local Justice and Knowledge	
<p><u>East Kilbride</u> Retaining the District Court provides a local justice service with Justices who have a better understanding of the local area.</p> <p><u>Cumnock</u> The disestablishment of Cumnock District Court will result in a marked reduction in local access to justice as the consequence justice services will be centralised in Ayr.</p> <p>The local knowledge and links with local community will be lost.</p> <p><u>Annan</u> The court provides a direct service to the local population which is readily accessible and minimizes the cost of travel for all the people who have to attend.</p> <p>Closure of Annan will cause considerable inconvenience to the local population and would be construed as constituting a restriction on the access of the public to justice.</p> <p>The fines payment facility at Annan would be lost to SCS if the court and staff were transferred.</p>	<p>Justices who presently sit in East Kilbride District Court are part of a rotation and also sit in Hamilton District Court. The Justices will continue to sit on a rotational basis, therefore local knowledge and experience will be maintained.</p> <p>Any concerns in relation to the loss of local knowledge can be addressed by training and the sharing of knowledge and experience between Justices of the Peace.</p> <p>Community involvement will be maintained through the retention of lay Justices, albeit at different locations with the general locality.</p> <p>SCS acknowledges that there will be a degree of inconvenience to court users. However, in a recent survey of Annan District Court, case profiles identified that over 70% of accused resided out with the jurisdiction of Annan District Court.</p> <p>SCS provides a variety of options for payments of fines and financial penalties including telephone debit/credit card payments. Payments can be made to any Sheriff or Justice of the Peace Court in Scotland. SCS are presently piloting a standing order payment facility.</p>

Comment	SCS Response
Low Volume of Business	
<p data-bbox="147 304 334 338"><u>East Kilbride</u></p> <p data-bbox="147 342 753 411">East Kilbride is low volume business in comparison to other District Courts.</p> <p data-bbox="147 632 753 701">The size of the local population in East Kilbride justifies its own court.</p> <p data-bbox="147 999 245 1033"><u>Annan</u></p> <p data-bbox="147 1037 753 1178">There has been a tradition of successfully administering a District Court at Annan for 30 years and currently there are two busy court dates per month</p> <p data-bbox="147 1220 753 1325">Although the court sits only twice per month this cannot fairly be called minimal court business.</p> <p data-bbox="147 1367 753 1577">The court usually sits for the full day with a wide range of business and since the increase in jurisdiction the court has become busier. It is difficult to see how Dumfries Justice of the Peace Court could absorb Annan workload without alteration.</p>	<p data-bbox="774 342 1479 594">SCS conducted a scoping exercise of all District courts within the Sheriffdom. We considered a number of factors including statistical information on business volumes, standard of accommodation. The proposal to close East Kilbride took into account the business volume, issues surrounding security and the cost of investment required to rectify the issues.</p> <p data-bbox="774 632 1479 957">East Kilbride and Hamilton are within a short travelling distance of each other. SCS's position is that it is not sustainable to maintain a court in East Kilbride that deals with such a low volume of business, especially when the court programme has been recently reduced to four days per month, and where sufficient capacity to absorb such business exists at Hamilton Justice of the Peace Court, which lies within reasonable travelling distance.</p> <p data-bbox="774 1037 1479 1398">SCS recognise the volume of business in the Dumfries and Galloway District Courts has recently increased. Court sitting times are regularly reviewed by the SCS and court programmes adapted to ensure effective disposal of business in court days of acceptable duration. There are, however, exceptional occasions when courts will sit late. SCS consult regularly with the Procurator Fiscal to ensure the correct allocation of court time to meet business needs.</p>

Comment	SCS Response
Accommodation and Security	
<p><u>East Kilbride</u> One reason for proposed closure is lack of security because prisoners have to be brought to court through the public areas. However, it is noted that is also the case at Ayr. There is no mention of how prisoners are taken into other courts such as Dumfries, Cumbernauld, Stranraer etc.</p> <p><u>Cumnock</u> There are unused cells in the next corridor within the Police station and there should be negotiations to agree the use of these cells.</p> <p>It is understood that the lack of accommodation at Ayr District Court also results in custodies being held in the Reliance Van.</p> <p>Why the accommodation issues in Ayr are acceptable but Cumnock issues are not acceptable?</p> <p><u>Annan</u> Dumfries and Galloway Council referred to a COPFS Health and Safety audit which in their view could be complied with at a cost of no more than £20,000.</p> <p>Custody cases have been dealt with at Annan District Court.</p>	<p>SCS are aware of the security issues of both East Kilbride and Ayr District Courts.</p> <p>SCS believes that the costs of investing in existing East Kilbride facilities (including enhanced security facilities) to lift them to the standards expected for a reasonable courthouse cannot be supported given that the facilities are in use four days per month.</p> <p>Court holding cells require specific requirements such as private interview facilities for solicitor/client interviews. The responsibility of health and safety and security of prisoners awaiting court is a matter for the Scottish Prison Service. SCS plans to provide cell accommodation at Ayr.</p> <p>SCS accept Ayr District Court accommodation will require sizable improvement and are committed to providing this. However, on balance SCS believe that amalgamating the services of Girvan and Cumnock in Ayr Justice of the Peace Court offers the best opportunity to improve the standard of accommodation SCS can offer to all court users.</p> <p>SCS evaluation of necessary standards for a court building extends to a range of factors needed for functionality. These include not only Health and Safety in the court room but secure access routes, segregated and vulnerable witness rooms, disability access and other statutory compliances.</p> <p>During the scoping exercise it was established with the Local Authority that custodies were not dealt with at Annan District Court. There have been very rare occasions where accused persons from prison were brought to court and this is recognised in the Local Authorities response.</p>

<p>Police station cells can be used to detain prisoners, which is 20 yards away from the court. The police can escort the prisoners the 20 yards to the court.</p> <p>It is noted that there is at present no custody cell. This is to be expected at a popular local multifunctional facility. Annan rarely used for custodies and they would be better taken at the unified court at Dumfries</p>	<p>SCS appreciate the Police station is in close proximity to the District Court. However, the use of this facility raises its own compelling security issues such as access routes to and from the courtroom.</p> <p>The responsibility for security and escorting of prisoners lies with the Scottish Prison Service through the current service contractors, Reliance Custodial Services, and not with the police.</p>
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Comment	SCS Response
Travel Distance and Cost	
<p><u>Cumnock</u> The accuracy of the travel information from Cumnock to Ayr was questioned.</p> <p>The factual situation is that outlying villagers will be severely inconvenienced.</p> <p>Non-appearances are presently unsatisfactory: what impact will the disestablishment of Cumnock have on attendance rates?</p> <p>Justices resident in the Ayr area would be able to attend the court with greater ease than those resident in outlying areas. This could result in an increased workload on Ayr resident Justices, a situation which does not bear the hallmark of fairness.</p>	<p>The travel distance from Cumnock to Ayr is 16 miles. According to the local bus provides timetables there is a bus service from Cumnock to Ayr every 30 minutes.</p> <p>SCS accept that there will be some inconvenience to individuals, particularly in the villages to the east of Cumnock such as Muirkirk, but this must be set against the costs of providing suitable local facilities. Our researches have indicated that there is access to public transport which court users can access.</p> <p>One of the aims of the Summary Justice reforms was to address the problem of repeated failures to appear. Changes have been implemented to reduce the number of failures to appear in all courts and there is no evidence to suggest that the closure of Cumnock District Court will impact on this.</p> <p>The allocation of Justices on the court rota will be a matter of agreement between the Justice and the Sheriffdom Legal Adviser. Justices are entitled to claim travelling and subsistence expenses. SCS appreciate the commitment of the Justices to the delivery of local justice and would encourage Justices to make appropriate use of the allowances available in order to ensure that the knowledge and skill of Justices is used to best effect, and to ensure that the local knowledge of Justices is used to the benefit of the wider community.</p>
<p><u>Annan</u> For anyone requiring to take public transport from Annan to Dumfries the cost and time are significant. For those on benefits a fare of £7.25 would eat into the weekly budget.</p>	<p>A recent survey of the case profile in Annan District Court established that over 70% of accused reside out with the jurisdiction of Annan District Court, therefore the proposal to disestablish Annan District Court should have a minimal impact on the local community.</p>